

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 214 of 1991,
INCOME TAX REFERENCE No 11 of 1993,
AND
INCOME TAX REFERENCE No 30 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE KUNDAN SINGH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

THE COMMISSIONER OF INCOME-TAX

Versus

PRADIP J. KINARIWALA,
DILIP J. KINARIWALA
&
SUNIL J. KINARIWALA

Appearance:

MR. MIHIR JOSHI with MR MANISH R BHATT
Advocates for the Revenue - Applicants

MR. S.N. SOPARKAR, Advocate for the Assesseees -
Respondents

CORAM : MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE KUNDAN SINGH

Date of decision: 18/03/98

ORAL JUDGEMENT (Per R.K.Abichandani,J.)

During the hearing of these three references, it is stated on behalf of the assesseees by their learned Counsel that the questions of law involved in these references are already pending before the Supreme Court in matters which had arisen from the cases of the members of the same group of assesseees and all the respondent assesseees of the present references agree to abide by the decision of the Supreme Court on these questions of law and they state that they will have no objection if on the basis of the decision given by the Supreme Court on these questions of law, concerned authorities of the Department make necessary orders and adjustments on the basis that the present similar questions of law also stand so answered.

The learned Counsel for the Revenue appearing in these matters state that the Revenue is satisfied with the statement and that on the questions of law similar to those which are involved in these references being decided by the Supreme Court, these questions will also be treated to have been answered accordingly and necessary changes and adjustments would be made. The learned Counsel for the respondent assesseees also states that the assesseees will file the requisite statements before the concerned authorities in consonance with the oral undertakings given here through their learned Counsel.

In view of this arrangement, it is not necessary to answer the questions referred to in these references at this stage and their answer will be the answer that will be given by Hon'ble the Supreme Court on identical questions in the matter which are already before the Supreme Court. The references stand disposed of accordingly with no order as to costs.

*/Mohandas